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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,736	12/30/2003	Amjad Hanif	2043.022US1	9045

49845 7590 02/27/2007
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EXAMINER

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ART UNIT	PAPER NUMBER
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3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	02/27/2007	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/749,736
Filing Date: December 30, 2003
Appellant(s): HANIF ET AL.

MAILED

FEB 27 2007

GROUP 3600

Mark R. Vatuone (Reg. No. 53,719)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 18, 2006 appealing from the
Office action mailed July 28, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 09/506,960

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2004/0128155

VAIDYANATHAN et al.

7-2004

(9) Grounds of Rejection

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The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9-25, and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidyanathan et al. (US 2004/0128155).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-25, and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidyanathan et al. (US 2004/0128155).

Vaidyanathan discloses an apparatus comprising:

[Claim 1] a feedback cancellation request receiver to receive a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (Fig. 9; ¶¶ 20-21, 74, 101);

a feedback cancellation criteria evaluator to automatically determine whether one or more feedback cancellation criteria are satisfied (¶¶ 20-21, 98, 101, 109, 111);

a feedback cancellation recorder to cancel the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied, the feedback cancellation recorder further to mark the feedback pertaining to the transaction as withdrawn (Fig. 44; ¶¶ 101, 109, 111); and

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a feedback user interface generator to generate a user interface that presents the feedback pertaining to the transaction (Figs. 44 and 52 show an example of negative feedback -- "No email or nothing...Shame on you..."; ¶ 40);

[Claim 2] a feedback cancellation request processor to determine that a second party to the transaction agrees to cancel the feedback pertaining to the transaction (¶ 109);

[Claim 3] wherein the feedback pertaining to the transaction includes at least one of a feedback comment left by the first party for a second party to the transaction and a feedback comment left by the second party for the first party (¶ 109);

[Claim 4] wherein the feedback cancellation request receiver is further to identify a second party to the transaction based on input provided by the first party, to present to the first party information identifying the second party and the feedback pertaining to the transaction, and to receive a confirmation of the request to cancel feedback from the first party (Fig. 17; ¶¶ 113-115);

[Claim 5] wherein the input provided by the first party includes an identifier of an item associated with the transaction (Figs. 20, 25, 26);

[Claim 6] a feedback cancellation request processor to notify a second party to the transaction about the request to cancel feedback (Figs. 53-55; ¶¶ 101);

[Claim 7] wherein the feedback cancellation request processor is to determine that the second party agreed to cancel the feedback by presenting to the second party information identifying the transaction for which the first party submitted the request to

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cancel feedback, and receiving a confirmation of feedback cancellation from the second party (Figs. 53-55; ¶¶ 109, 111);

[Claim 9] wherein the one or more feedback cancellation criteria includes at least one requirement selected from the group consisting of a requirement that at least one feedback comment pertaining to the transaction exist, a requirement that the request to cancel feedback be received before an expiration date, a requirement that a second party to the transaction agree to cancel feedback before an expiration date of the request to cancel feedback, a requirement that each of the first and second parties be currently registered with the network-based transaction facility, and a requirement that each of the first and second parties do not exceed a feedback cancellation limit (Fig. 44; ¶¶ 101, 109, 111).

Regarding claim 1, Vaidyanathan keeps both parties informed about the progress of the feedback removal process (¶¶ 109-112). Vaidyanathan also sends a written warning to a party informing him/her that negative feedback may be removed if he/she does not respond (Figs. 53-55). Vaidyanathan does not expressly teach that the feedback user interface generator generates a user interface that presents an indication that the feedback pertaining to the transaction is withdrawn; however, Official Notice is taken that it is old and well-known in the art of dispute resolution to present the results of a dispute resolution process to involved parties via a user interface. This helps to more efficiently inform all involved parties of a dispute resolution outcome in a timely manner. Since Vaidyanathan keeps both parties informed about the progress of the

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feedback removal process (§§ 109-112), the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Vaidyanathan's feedback user interface generator to generate a user interface that presents an indication that the feedback pertaining to the transaction is withdrawn in order to more efficiently inform all involved parties of a dispute resolution outcome in a timely manner.

[Claims 10-15] Claims 10-15 recite limitations already addressed by the rejection of claims 1-4, 6, and 9 above; therefore, the same rejection applies.

Furthermore, Vaidyanathan discloses a memory and processor (§§ 20-21).

[Claims 16-25, 27, 29] Claims 16-25, 27, and 29 recite limitations already addressed by the rejection of claims 1-7 and 9 above; therefore, the same rejection applies.

Furthermore, as per claim 21, Vaidyanathan discloses identifying the second party comprising:

determining that the item is associated with a plurality of transactions (Figs. 12-23);

presenting to the first party one or more users participating in the plurality of transactions (Figs. 12-23); and

requesting the first party to specify which of the one or more users is the second party (Figs. 12-23).

Regarding claims 23 and 24, Vaidyanathan discloses notifying the second party comprising:

sending to the second party an email message informing the second party of the request to cancel feedback pertaining to the transaction (Figs. 19-22, 39-40, 55; ¶ 115);

wherein the email message sent to the second party includes a link to a feedback cancellation form (Figs. 19-22, 39-40, 55; ¶ 115).

Regarding claim 27, Vaidyanathan discloses upon receiving a request for feedback left for any one of the first party and a second party to the transaction, displaying one or more feedback comments pertaining to the transaction with a feedback withdrawal comment (Figs. 12-23).

Regarding claim 28, Vaidyanathan fails to expressly disclose the step of preventing any of the first party and a second party to the transaction from entering feedback comments for the transaction upon canceling the feedback pertaining to the transaction. However, Vaidyanathan addresses the concept of removing negative feedback (discussed above). Some effort is required on behalf of users involved in a transaction in order to easily remove negative feedback (including payment by the person who requested mediation); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to further modify Vaidyanathan to prevent any of the first party and a second party to the

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transaction from entering feedback comments for the transaction upon canceling the feedback pertaining to the transaction in order to lend some level of integrity and credibility to the mediation process, thereby encouraging users to use it in the future, when needed. In other words, a user would not desire to pay for mediation when its results can be further overridden by a subsequent negative feedback rating for a previously resolved conflict.

[Claims 30-34] Claims 30-34 recite limitations already addressed by the rejection of claims 1-4 and 9 above; therefore, the same rejection applies.

(10) Response to Argument

Appellant argues the following:

...In contrast to the limitations of claim 16, the above quote from Vaidyanathan, as indicative of Vaidyanathan in general, does not describe marking the feedback pertaining to the transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn; but rather, removing the feedback and correcting the feedback. Marking the feedback as withdrawn is not the same as removing the feedback... (Page 11 of the Appeal Brief)

The Examiner respectfully disagrees. Appellant admits that Vaidyanathan teaches "removing the feedback and correcting the feedback." However, the Examiner takes issue with Appellant's assertion that removing feedback is not the same as withdrawing feedback. Merriam-Webster's Collegiate® Thesaurus (© 1988) provides

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the word "remove" as the first listed synonym for the word "withdraw." Other listed synonyms are "take away, take off, take out." Therefore, the Examiner submits that removing feedback is synonymous with withdrawing feedback, thereby addressing the claimed withdrawal of feedback. Appellant continues to explain that "Appellants have not argued 'removing feedback is not the same as withdrawing feedback,' but rather, *marking feedback as withdrawn* is not the same as removing the feedback." (Page 11 of the Appeal Brief) However, Appellant has not amended the claims or cited any special definition of "marking" to limit its meaning. A marking can be something as concrete and visible as a line across a page or highlighting of information or it can be more subtle, such as a tag in a database or a general indication. Merriam-Webster's Collegiate® Dictionary (10th) (© 1997) has numerous definitions for the noun and verb "mark," including "indication," "characterize," "distinguish," and "signalize." Therefore, since Vaidyanathan automates "the removal or correction of feedback initially provided by one or both of the parties (152)" (as cited by Appellant on page 10 of the Appeal Brief, making reference to Paragraph [0111] of Vaidyanathan), Vaidyanathan at the very least electronically indicates, characterizes, distinguishes, and/or signalizes (i.e., marks) the feedback to be cancelled as withdrawn. This interpretation is commensurate in scope with the claimed recitations of marking the feedback pertaining to the transaction as withdrawn.

Additionally, Appellant cites Appellant's own Figure 24 and description thereof to assert that "[m]arking the feedback as withdrawn requires the feedback not be removed." (Page 12 of the Appeal Brief) This limitation (particularly that "the feedback

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not be removed") is neither expressly recited in the claims nor is it inherent to marking the feedback as withdrawn. Additionally, since the words "withdrawing" and "removing" are synonyms, even if (hypothetically) such a limitation were amended into the claimed invention, they would conflict with one another, thereby raising questions about the intended scope of the claimed invention.

In conclusion, Appellant's arguments are not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




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